

The Office Action dated 09/11/02 has been reviewed and reconsideration in view of the amendments and/or remarks contained herein is respectfully requested.

The Examiner objected to Claim 18 because of an informality. Accordingly, the Claim 18 has been amended to overcome this objection. Applicant respectfully requests that the Examiner withdraw the objection to this claim in view of the amendment provided.

Rejections under 112

The Examiner rejected Claim 12, stating that the subject matter of Claim 12 was not disclosed in the Application. Applicant respectfully traverses this rejection. Applicant argues that it is within the knowledge of those skilled in the art to utilize materials that change state when they come in contact with other materials. Applicant states at page 9, line 8 that one embodiment of the invention may have a first characteristic that changes into a second characteristic over time or when it is used for its intended purpose. It is presumed by Applicant that materials that change over time utilize a chemical change to accomplish that change. For example, when oxygen contacts copper, it changes the color of the surface. This is a chemical reaction known in the art and would be a suitable material for an embodiment of Applicant's invention. Applicant asserts that to use a chemical material, either within

the material used to construct the device or coated thereon, that will change state is within the skill in the art and that it would be understood to those of skill in the art that they could achieve a change in state by using a chemical reaction. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Rejections under 103(a)

Further, the Examiner rejected Claims 1-11 and 13-22 under 103(a) as being obvious in view of Maddock and Lyon.

Applicant has amended Claims 1, 5, 17, 21, and 22 to further clarify the embodiment represented by each claim. Specifically, Claim 1 has been amended to clarify that the article has a plurality of surfaces, a first characteristic on one surface and a second characteristic on a second surface, and that the article is constructed to have only one identifiable characteristic viewable when housed with a plurality of articles. This structure is not defined or suggested in the Maddock reference, nor is it defined or suggested in the Lyon reference.

Claim 5 has been amended to clarify that the plurality of articles are packaged together in packaging that surrounds the articles on at least two sides and that the first identifiable characteristic is provided on the article and is aligned along one side of the packaging, while the second identifiable characteristic, also provided on the article, is aligned along a

second side. The Maddock reference does not have a plurality of articles with two identifiable characteristics on each article. Nor does it suggest such an orientation. The Lyon reference cannot provide such a structure, since the bands that provide the identification surround the cylindrical articles. Accordingly, Applicant believes this claim is allowable.

Claims 17, 21, and 22 have been amended to indicate that the identifiable characteristics are positioned on the article itself. The Maddock reference does not teach or suggest this arrangement of the characteristics. Specifically, the characteristics in the reference are on the outside of a case into which articles are placed and wherein the case encloses the articles for breaking and disposal of the articles. It would not be advantageous to have the characteristics on the articles themselves because they are enclosed in the case and therefore the characteristics would not be viewable by a user. Further, the claim provides that the perceptions are located on the end of the article and therefore are viewable when viewed from the end of the article. The Lyon reference does not have its characteristics arranged in this way, nor could they be arranged to be viewable from an end of the tank.

Claim 21 has been amended to provide that a plurality of articles each have two identifiable characteristics thereon and that one characteristic is aligned along one wall of the

packaging surrounding a plurality of articles and the other characteristic is aligned along another wall of the packaging. It is clear that the structures of both Maddock and Lyon do not teach or suggest such a structure. Accordingly, Applicant believes this claim to be allowable.

Claim 22 requires that each of a group of articles has a first end having a first identifiable characteristic positioned thereon and a second end having a second identifiable characteristic positioned thereon, with the characteristics being differentiable from each other. The articles are arranged having the first end viewable by a user, such that all of the first identifiable characteristics are viewable by the user. Neither of the relied upon references, separately or in combination, show the claimed structure and, therefore, Applicant believes the claim is allowable.

Accordingly, Applicant believes independent Claims 1, 5, 7, 17, 21, and 22 are patentable in view of the cited references and accordingly respectfully requests that the claims be reconsidered and allowed upon such reconsideration. Additionally, Applicant believes that the remaining claims that are dependent upon the independent claims are further differentiated from the cited prior art based upon the amendments to the independent claims and are, therefore, allowable based upon those amendments as well as providing further limitations that render the claims allowable.

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Respectfully submitted,

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By his attorney,

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APPENDIX A: Support for Claim Amendments

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The following amendments are sought for entry,
underlined material added, bracketed parts deleted:

IN THE CLAIMS

1. **(Twice Amended)** An article for easy identification, classification, and inventory tracking, comprising [said article], a first perception and a second perception for differentiating articles, said article having a plurality of surfaces and said first perception being provided by a first identifiable characteristic located on one said surface and said second perception being provided by a second identifiable characteristic located on a second surface said article constructed to have only one identifiable characteristic viewable when housed with a plurality of articles [another of said surfaces].

2. **(Amended)** The article according to Claim 1, wherein said article has a first state as an unused article and a second state as a used article, and wherein said first characteristic identifies articles in said first state and said second characteristic identifies articles in said second state.

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3. **(Canceled)** An article according to Claim 1, wherein said article has a plurality of surfaces and wherein said first perception is provided by a first identifiable characteristic located on one said surface and said second perception is provided by a second identifiable characteristic located on another of said surfaces.

4. **(Amended)** The article according to Claim [3] 1, wherein said first identifiable characteristic is a first color and said second identifiable characteristic is a second color.

5. **(Twice Amended)** A plurality of articles comprising, each said article having a first perception and a second perception for differentiating said articles provided thereon, said articles packaged together in a package surrounding said plurality of articles on at least two sides and wherein said articles are aligned such that said first identifiable characteristics are aligned along one side of the packaging and said second identifiable characteristics are aligned along a second side of the packaging.

6. **(Amended)** The article according to Claim 5, wherein the

packaging encloses said articles with an exterior surface and wherein a portion of the exterior surface that is proximal to the alignment of said first identifiable characteristics contains a marking.

7. **(Amended)** An article comprising a first perception and a second perception, said article having a plurality of surfaces and said first perception being provided by a first identifiable characteristic located on one said surface and said second perception being provided by a second identifiable characteristic located on another of said surfaces.

8. **(Amended)** The article according to Claim 7, wherein said first and second perceptions are incorporated into said article during manufacturing of said article.

9. **(Amended)** The article according to Claim 7, wherein said first and second perceptions are incorporated into said article after the manufacturing of said article.

10. **(Amended)** The article according to Claim 7, wherein said article further comprises a means for changing said first

perception into said second perception when said article changes to a different state.

11. **(Amended)** The article according to Claim 10, wherein said means for changing said first perception is comprised of a chemical composition that changes said first perception into said second perception when said article changes to a different state, said chemical composition comprising at least a portion of the material comprising said article.

12. **(Canceled)** An article having a first state and a second state, a first perception and a second perception, comprising:

a means for indicating said first state from said second state wherein said first perception indicates said first state and said second perception indicates said second state.

13. **(Amended)** The article according to Claim 1, wherein said article is an elongated floorescent light bulb having two ends and each said end having an end surface thereon.

14. **(Amended)** The article according to Claim 13, wherein

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said first perception is provided by an identifiable characteristic located on one of said end surfaces.

15. **(Amended)** The article according to Claim 14, wherein said first perception is provided by a first identifiable characteristic located on one of said end surfaces and said second perception is provided by a second identifiable characteristic located on said second end surface.

16. **(Amended)** The article according to Claim 1, wherein said first identifiable characteristic comprises a symbol.

17. **(Twice Amended)** A method for identifying, classifying, and inventory tracking goods capable of having at least a first state and a second state, the method comprising the steps of:

providing a plurality of articles; and

providing each said article with a first perception indicating a first state and a second perception indicating a second state thereon, said articles constructed to be viewed such that one end of each said article is viewable and that only one

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perception is viewable on said viewable end.

18. **(Twice Amended)** The method according to Claim 17, wherein said article has a plurality of surfaces and wherein said first perception is provided by an identifiable characteristic comprising [the] a shape of one of said surfaces.

19. **(Amended)** The method according to Claim 18, wherein the shape of said surface comprising said identifiable characteristic is a topographical change to said surface.

20. **(Amended)** The method according to Claim 18, wherein the shape of said surface comprising said identifiable characteristic is a change to the perimeter of said surface.

21. **(Amended)** A package of bulk articles having a plurality of articles arranged therein, said package comprising, packaging material surrounding said plurality of articles on at least two sides; each said article constructed and arranged to be identified, as being in a first state, by a first characteristic positioned on said article when in the first state and

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constructed and arranged to be identified as being in a second state, by a second characteristic positioned on said article when in the second state, said articles aligned such that said first characteristic of each said article is aligned along one side of said packaging and such that each said second characteristic is aligned along a second side of said packaging.

22. **(Amended)** A plurality of grouped articles, each said article having a first end and a second end, said first end having a first identifiable characteristic positioned thereon and said second end having a second identifiable characteristic positioned thereon and being differentiable from said first identifiable characteristic, said articles arranged having said first end viewable by a user, such that all of said first identifiable characteristics are viewable by the user.

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